

**UNITED STATES DISTRICT COURT,
DISTRICT OF MASSACHUSETTS**

MARK BRAY)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
WORCESTER POLYTECHNIC)	Case No. 4:21-cv-40049
INSTITUTE)	
<i>Defendant</i>)	
)	
)	

EMERGENCY SUPPLEMENTAL MOTION FOR NEW EVIDENCE RECEIVED IN
SUPPORT OF A TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

Plaintiff Bray brings this Emergency Supplemental Motion for new evidence received in support of a TRO and Preliminary Injunction to order Worcester Polytechnic Institute (“WPI”) to allow Bray to graduate with his class, with honors, on May 20, 2021 and list him on the commencement brochure.

In support of this motion and other claims, Bray relies upon the following attached exhibits.

This is an emergency supplemental motion which respectfully requires the Court’s ruling as waiting does not permit adequate time for Bray to graduate with his class as described by Defendant’s counsel at the May 17, 2021 hearing regarding that motion.

Following the May 17, 2021 hearing, Plaintiff Bray received the attached correspondence. (See Exhibit 1). Defense counsel at the TRO hearing indicated to this Court that Plaintiff would be listed in the commencement brochure as all of the candidates are listed. Following the hearing with this Court, Plaintiff Bray learned that this representations made to the Court by defense counsel were false when Bray received notice through the student portal stating Bray would not be listed in the commencement brochure. (See Exhibit 1). Moreover, students receiving honors at the graduation have received such notice today, while Bray has not received such notification. (See Exhibit 2)

For the foregoing reasons, Plaintiff respectfully requests that the Court temporarily restrain and preliminarily enjoin WPI from imposing sanctions on Plaintiff, order WPI to list Bray in the commencement brochure as was represented by WPI's counsel at the May 17, 2021 hearing to this Court, allow him to graduate with honors on May 20, 2021, and consider imposition of sanctions, including costs and attorneys' fees incurred with the filing of this motion upon WPI for the misrepresentations made to this Court.

Dated: May 17, 2021

Respectfully submitted,

Mark Bray

Through his Attorney,

Adam Beck, Esq.

102 Osgood Street

Andover, MA 01810

978.807.3202

Dradambeck2010@gmail.com

Exhibit 1

WPI Degree Candidate Information

**** Important **** This web page displays your current status for the degree and graduation date shown. Your majors, minors and areas of concentration have been updated based on the information provided on the degree application form, and are **tentative pending completion of the approved program requirements**.

- The Registrar's Office, in conjunction with each department's Program Review Committee, is reviewing all degree candidates for the upcoming Graduation date. **This process can take some time.** The information below will help you understand your status. When all requirements are completed, and your records updated, your status will be updated to "**Confirmed**".
- **Honors designation**, if applicable, will be displayed a few days prior to your graduation date.
- If you have not yet done so, please complete the [Name pronunciation](#) form if applicable. You may also wish to update your [Student Activities List](#). The links are provided at the bottom of this page.

If you have any questions, please contact registrar@wpi.edu.

If you are a degree candidate for the next graduation period (October, February, or May), and your name and major information does not appear here, please contact the Registrar's Office.

****Statement of Student Responsibility**** All students are responsible for familiarizing themselves with and understanding the implications of all institutional policies, procedures, and requirements pertaining to graduation and degree requirements. This includes any outstanding financial obligation.

Degree Sought Bachelor of Science

Anticipated Grad Date MAY-2021

Major Biomedical Engineering

Concentration

Second Major Professional Writing

Concentration

Minor 1

Minor 2

Graduation Status Approved for "Walker" Participation

Approved for participation in the May ceremony as a "Walker".

Please note: You will wear your robe and march in the Procession and your name will be called as you cross the stage. However, your name will not be listed in the Commencement brochure.

Honors

Sufficiency Completed (14-MAY-2020)

IQP Completed (24-JAN-2020)

MQP Completed (06-MAY-2021)

Diploma Name Bray, Mark Bright

RELEASE: 7.0

Exhibit 2

From: Snoddy, Gregory A <gsnoddy@wpi.edu>
Sent: Monday, May 17, 2021 11:43 AM
Subject: Commencement Honor Cords

Good morning;

We have an Commencement Honor Cord for you at the Rubin Campus Center Information Desk.

Please go there to pick up your cord before this Friday. You may pick up your cord from 7:30 am – 11:00 pm this week

Thank you and let's enjoy this week leading up to your graduation!

Gregory Snoddy, Ed.D.

Assistant Vice President

Dean of Students

Worcester Polytechnic Institute

508-831-5201

CERTIFICATION UNDER LOCAL RULE 7.1(a)(2)

On May 17, 2021, undersigned counsel for Bray contacted Defendant to discuss this motion. Counsel has not responded. Accordingly, the parties were not able to resolve or narrow the issues presented by this motion in advance of filing.

Dated: May 17, 2021

s/ Adam Beck

Counsel for Plaintiff

CERTIFICATE OF SERVICE

On May 17, 2021, the undersigned attorney caused the foregoing Motion to be filed electronically with the United States District Court for the District of Massachusetts, which will be thereby served upon all parties registered to receive notice via the Court's CM/ECF system, or in the alternative service through the Constable. In addition, the undersigned attorney served both paper and electronic copies of the foregoing motion via e-mail and via U.S. mail (first class, postage prepaid), upon the Defendant in this matter. Defendant's contact information is as follows:

Scott Roberts

HIRSCH ROBERTS WEINSTEIN LLP

24 Federal Street, 12th Floor
Boston, Massachusetts 02110

(617) 348-4331

sroberts@hrwlawyers.com

Dated: May 17, 2021

s/ Adam Beck

Counsel for Plaintiff